

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK**

Hearing Date: November 4, 2021
Hearing Time: 10:00a.m.

In Re:

Howard M. Birchmeyer and Christina M. Birchmeyer
fka Christina M. Murffyn,

Debtors

**NOTICE OF MOTION FOR
TERMINATION OF AUTOMATIC
STAY**

Case No. 16-31724-5-wak
Chapter 13

Assigned to:
Hon. Wendy A. Kinsella
Bankruptcy Judge

Please take notice that American Financial Resources, Inc., or successor or assigns, by the undersigned attorneys, will move this Court on November 4, 2021 at 10:00a.m. or as soon thereafter as counsel can be heard, at the United States Bankruptcy Court, U.S. Bankruptcy Court, James M. Hanley U.S. Courthouse and Federal Building, 100 South Clinton Street, Syracuse, New York 13261 for an Order pursuant to 11 U.S.C. §362(d)(1) terminating the automatic stay as to movant's, or successor or assigns, by interest in the real property commonly known as 117 Meadow River Drive, Liverpool, New York 13090 and for such other relief as the Court may deem proper.

PURSUANT TO FED. R. BANKR. P. 9014 AND LOCAL BANKRUPTCY RULE 9013- 1, IF YOU INTEND TO OPPOSE THE MOTION, YOU MUST SERVE ON THE MOVANT'S COUNSEL AND FILE WITH THE CLERK OF THE BANKRUPTCY COURT, WRITTEN OPPOSITION TO THE MOTION NOT LATER THAN SEVEN (7) DAYS PRIOR TO THE RETURN DATE OF THIS MOTION. IN THE EVENT NO WRITTEN OPPOSITION IS SERVED AND FILED, NO HEARING ON THE MOTION WILL BE HELD BEFORE THE COURT ON THE RETURN DATE, AND THE COURT WILL CONSIDER THE MOTION AS UNOPPOSED.

DATED: October 6, 2021
New Rochelle, New York

Respectfully submitted,

By: /s/ Melissa S. DiCerbo
Melissa S. DiCerbo, Esq.
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TO:

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Mark W. Swimelar-Trustee
250 South Clinton Street
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Syracuse, NY 13202

U.S. Trustee
Office of The United States Trustee
10 Broad Street
Room 105
Utica, NY 13501

The Honorable Wendy A. Kinsella
U.S. Bankruptcy Court
James M. Hanley U.S. Courthouse and Federal Building
100 South Clinton Street
Syracuse, New York 13261